

## MAINE

*Specific requirement to report sexual assault? No.*

*Requirement to report non-accidental or intentional injuries? No.*

*Requirement to report injuries caused by criminal conduct? No.*

*Additional statutes that may impact competent adult victims of sexual assault? It is mandatory to report gunshot wounds.*

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### STATUTES ADDRESSING PAYMENT FOR EXAMINATIONS

#### **Code Me. R. 26-550 Ch. 8, § 1 Forensic Examinations for Gross Sexual Assaults:**

1. Maine licensed medical facilities and licensed health care practitioners shall be reimbursed from the Victims' Compensation Fund for forensic examinations performed on alleged victims of gross sexual assault in accordance with these Rules. "Gross Sexual Assault" has the meaning as found in Title 17-A sec. 253. "Alleged victim" means any person who alleges that he or she is a victim of gross sexual assault and any person who is unconscious or incapacitated due to mental disease, disorder or defect and is identified by law enforcement or a health care practitioner as the victim of gross sexual assault. The maximum payment by the Fund for the forensic assault examination shall not exceed the statutory maximum of \$500.00.

A. To be eligible for payment, the gross sexual assault forensic examination must include at least all services directly related to the gathering of forensic evidence and related testing and treatment for pregnancy and sexually transmitted diseases. Licensed hospital and licensed health care practitioners must have available and offer to provide at least the following tests and treatments:

(1) Professional/practitioner's services history

Physical Collection of specimens

Treatment for the prevention of sexually transmitted infection

(2) Emergency department

Emergency room, clinic room or office room fee

Pelvic tray

(3) Laboratory

Fixed smear for sperm

Blood testing for syphilis and Hepatitis B

HIV test

Cultures for gonorrhea, chlamydia, trichomonas and other sexually transmitted diseases (STD)

(4) Pregnancy testing (blood test or urinalysis)

(5) Other laboratory tests that are required for the purpose of evidentiary examination

(6) Medications

Pregnancy prophylaxis

Sexually transmitted disease prophylaxis

One dose sedative, antidepressant or tranquilizer

Anti-emetic

The tests and treatments performed shall be based on each patient's individual need and preference. If performed by a licensed hospital or licensed health care practitioner, any of these listed tests and treatments may be billed as part of the forensic examination.

B. For purposes of reimbursement, all services directly related to the gathering of forensic evidence and initial testing and treatment for pregnancy and sexually transmitted diseases constitute the sexual assault forensic examination.

### **Code Me. R. 26-550 Ch. 8, § 2 Treatment of Victims:**

1. Any adult victim shall decide whether to report the incident to a law enforcement agency. The medical facility may not require an adult victim to report the incident in order to receive medical treatment or have forensic evidence collected. Evidence will be collected only where the victim has given permission. However, permission is not required in instances where the victim is unconscious or mentally incapable of consent. Should the adult victim wish to report the incident, the appropriate law enforcement agency shall be contacted by the medical facility. The licensed hospital or licensed health care practitioner performing a sexual assault forensic examination upon an alleged victim under the age of eighteen (18) shall follow the reporting rules required by law.

### **Code Me. R. 26-550 Ch. 8, § 3 Payment for Forensic Examinations for alleged victims of gross sexual assault:**

1. A victim seeking examination and treatment following a gross sexual assault shall be exempted from the payment of expenses incurred as a result of sexual assault forensic examination services. The licensed hospital or licensed health care practitioner may bill the patient or patient's insurer for services outside the scope of the forensic examination. A victim may apply to the Victims' Compensation Board for reimbursement for losses outside the scope of the gross sexual assault forensic examination.

2. The Victims' Compensation Board shall pay the costs of forensic examinations for alleged victims of gross sexual assault from the Victims' Compensation Fund. To be reimbursable an examination must incorporate the use of a uniform standardized forensic examination kit distributed by the Department of Public Safety, and that use must have a forensic basis. If at any time a uniform kit is not available for distribution, the licensed hospital or licensed health care practitioner must use a standardized evidence collection kit that has met the requirements established by rule of the Department of Public Safety. The maximum payment by the fund for a forensic examination shall not exceed the statutory maximum of \$500.00. The Board may delegate to the director of the Victims' Compensation Board the review of claims and approval of reimbursement for services included in forensic examinations in accord with rules and guidelines established by the Victims' Compensation Board. Payments from the Compensation Fund shall be made directly to the licensed hospital or licensed health care practitioner and shall be considered

payment in full and shall bar balance billing or other actions for collection.

A. Upon completion of a gross sexual assault forensic examination the licensed hospital or licensed health care practitioner shall submit an itemized bill detailing the treatment costs and examination costs for collection of evidence required by the Department of Public Safety. Claims will be paid only where the sexual assault procedures as required by 24 MRSA §2986, 25 MRSA §2915, 25 MRSA §3821, and 5 MRSA §3360-M for forensic examinations and treatment are followed.

B. In the event that there are multiple fees from separate service providers, the statutory maximum shall be allocated among the service providers.

C. The licensed hospital or licensed health care practitioner to receive reimbursement is responsible for submitting to the Victims' Compensation Board (on forms approved by the Board) the following information:

- (1) Victim tracking number
- (2) Examination kit number
- (3) Victim's date of birth
- (4) Victim's gender
- (5) Date and time of incident
- (6) Location of incident (Town)
- (7) Date and time of treatment by medical provider
- (8) Whether a report to law enforcement was filed
- (9) Name of law enforcement agency notified
- (10) Name and address of medical provider
- (11) Hospital / Practitioner Federal Tax Identification Number
- (12) Provider billing office contact person and phone number
- (13) Signed verification from the licensed health care practitioner
- (14) All itemized copies of medical bills complete with current procedural terminology (CPT) codes. This billing statement must show individual charges for lab work as listed in 1A of this rule.

D. The licensed medical facility or licensed practitioner must send the reimbursement form with the attached itemized bills to the Victims' Compensation Board.

E. All claims must be submitted to the Board within 60 days of examination.

## **5 M.R.S. § 3360-M. Payment for forensic examinations for alleged victims of gross sexual assault**

1. PAYMENT. The board shall pay the costs of forensic examinations for alleged victims of gross sexual assault from the Victims' Compensation Fund. The board shall track expenditures for forensic examinations separately from all other expenditures. Forensic examination payments are not subject to any other provision of this chapter.

2. FORENSIC EXAMINATION. The board shall determine by rule what a forensic examination may include for purposes of payment. An examination must include at least all

services directly related to the gathering of forensic evidence and related testing and treatment for pregnancy and sexually transmitted diseases. The board shall pay a licensed hospital or licensed health care practitioner the actual cost of the forensic examination up to a maximum of \$ 500.

3. **PROCESS FOR PAYMENT.** A licensed hospital or licensed health care practitioner that performs forensic examinations for alleged victims of gross sexual assault shall submit a bill to the Victims' Compensation Board directly for payment of the forensic examinations. The hospital or health care practitioner that performs a forensic examination shall take steps necessary to ensure the confidentiality of the alleged victim's identity. The bill submitted by the hospital or health care practitioner may not identify the alleged victim by name but must be assigned a tracking number that corresponds to the forensic examination kit. The tracking number may not be the alleged victim's social security number. The hospital or health care practitioner that performs the examination may not bill the alleged victim or the alleged victim's insurer, nonprofit hospital or medical service organization or health maintenance organization for payment of the examination. The alleged victim is not required to report the alleged offense to a law enforcement agency.

4. **OTHER REIMBURSEMENT.** The fact that forensic examinations are paid for separately through the Victims' Compensation Fund does not preclude alleged victims of gross sexual assault from seeking reimbursement for expenses other than those for the forensic examination. A victim seeking reimbursement from the Victims' Compensation Fund for expenses other than the forensic examination is subject to all other provisions of this chapter.

5. **RULES.** Rules adopted pursuant to this section are routine technical rules as defined in Title 5, chapter 375, subchapter II-A.

## REPORTING STATUTES WHICH MAY IMPACT RAPE VICTIMS

### **17-A M.R.S. § 512. Failure to report treatment of a gunshot wound**

1. A person is guilty of failure to report treatment of a gunshot wound if, being a licensed physician, he treats a human being for a wound apparently caused by the discharge of a firearm and knowingly fails to report the same to a law enforcement officer within 24 hours.

2. Failure to report treatment of a gunshot wound is a Class E crime.